3 FAH-1 H-5120
GUIDELINES FOR IMPLEMENTATION OF CHAPTER 10 OF THE FOREIGN SERVICE ACT OF 1980, AS AMENDED, AT FOREIGN SERVICE POSTS

(CT:POH-153; 06-22-2012)
(Office of Origin: HR/ER/WLD)

3 FAH-1 H-5121 AFSA REPRESENTATIVE AT POST

(CT:POH-144; 09-17-2010)
(State Only)
(Applies to Foreign Service Personnel Only)

The American Foreign Service Association (AFSA) and the Department have agreed that individual Foreign Service posts will be governed by the following policy and guidelines for implementation of Chapter 10 of the Foreign Service Act of 1980 (the Act), as amended.

3 FAH-1 H-5121.1 Certification of Post Representative

(CT:POH-144; 09-17-2010)
(State Only)
(Applies to Foreign Service Personnel Only)

These guidelines become effective when:

(1) AFSA formally certifies the names of its official representatives at each post to the Labor Management Negotiator (M/DGHR/PC/LM); and

(2) M/DGHR/PC/LM notifies post management of the AFSA certification and authorizes post management officials to deal with the certified representatives in accordance with these guidelines.

3 FAH-1 H-5121.2 Multiple Representatives

(TL:POH-27; 10-16-1996)
(State Only)
(Applies to Foreign Service Personnel Only)

a. In cases where AFSA certifies several representatives, only the AFSA Chapter

Chair or Vice Chair, or someone duly designated to act in their absence, will be deemed authorized to request discussions under the guidelines or authorized to speak for AFSA.

b. During a discussion, the AFSA Chair may authorize other AFSA representatives to speak, but the post need not respond to requests for discussion from anyone other than the Chair or Vice Chair or the person acting in their absence.

3 FAH-1 H-5121.3 Termination

(CT:POH-144; 09-17-2010)
(State Only)
(Applies to Foreign Service Personnel Only)

a. Once certified, local AFSA representatives shall remain certified until:

(1) AFSA officially notifies M/DGHR/PC/LM of their replacement; or

(2) Their final departure from the post where certified, whichever occurs first.

b. There shall be no absentee representatives sending communications from other locations concerning matters discussed at a previous post.

3 FAH-1 H-5122 SCOPE

3 FAH-1 H-5122.1 Nature of Discussions

(TL:POH-27; 10-16-1996)
(State Only)
(Applies to Foreign Service Personnel Only)

Certified AFSA representatives have the right to meet with the post's management officials regarding implementation of Department personnel regulations and any agreement reached between AFSA and the Department under Chapter 10 of the Act. At post management's option, AFSA representatives may also raise for discussion with the post's management officials, matters within the scope of Chapter 10 of the Act, which are entirely within the discretion of the post's management.

3 FAH-1 H-5122.2 Limitations of Discussions

(TL:POH-27; 10-16-1996)
(State Only)
(Applies to Foreign Service Personnel Only)

a. Collective discussions at individual posts are intended to give the post's employees a collective voice in bringing to the attention of post management the employees' views on their working conditions at post. Discussion under the

guidelines must be limited to matters within the control of that post. Conditions of employment in the Foreign Service in general are the concern of AFSA and the Department in Washington.

b. Collective discussions at individual posts may not assume the character of formal negotiations; extend to employees at any other post; be regarded as a precedent at any other individual post; or provide for a written or signed "post agreement."

c. These guidelines are not intended to prevent a post from introducing new, or from revising present, post policies and procedures, except those which would be in conflict with the Department's regulations or agreements between AFSA and the Department, without prior referral to the post AFSA representative.

3 FAH-1 H-5123 MANDATORY DISCUSSIONS

(TL:POH-27; 10-16-1996)
(State Only)
(Applies to Foreign Service Personnel Only)

Post management is required to meet with certified AFSA post representatives upon request regarding implementation of Department personnel regulations and agency-wide labor management agreements reached between the Department and AFSA in Washington.

3 FAH-1 H-5123.1 Initiating Discussions

(TL:POH-27; 10-16-1996)
(State Only)
(Applies to Foreign Service Personnel Only)

Discussions concerning implementation at the post of Department regulations or agreements reached between AFSA and the Department may be initiated by either party. Requests for discussion of these issues should be granted as soon as practicable.

3 FAH-1 H-5123.2 Participants

(TL:POH-27; 10-16-1996)
(State Only)
(Applies to Foreign Service Personnel Only)

a. It is suggested that not more than three AFSA representatives at any one time participate in discussions under the guidelines. There may be exceptions, particularly at large posts, where the post may wish to allow all the certified representatives to be present.

b. It is recommended that post management be represented by at least two

persons, one of whom would be either the administrative or personnel officer.

3 FAH-1 H-5123.3 Official Time

(TL:POH-27; 10-16-1996)
(State Only)
(Applies to Foreign Service Personnel Only)

AFSA post representatives may be granted a reasonable amount of time in which to conduct discussions. These discussions should not interfere with the performance of the local AFSA representative's official duties. However, post management should not repeatedly refuse to meet with the post AFSA representatives on the mere grounds that there are other official duties to be performed. Discussions may also be held after official duty hours if the press of official duties so dictates.

3 FAH-1 H-5123.4 Notification of New or Revised Post Policy or Procedures

(CT:POH-144; 09-17-2010)
(State Only)
(Applies to Foreign Service Personnel Only)

If post management agrees with the AFSA representative that a new or change of post policy or procedure is in order, post management may not enter into an agreement with the AFSA representatives. Instead, post management will unilaterally publish or circulate a corrected new or revised post policy or procedure. The document should acknowledge that the policy resulted from discussions with AFSA representatives. Copies of such new or revised local policies or procedures must be sent by post management to the Labor Management Negotiator (M/DGHR/PC/LM) and should be sent by the AFSA post representative to AFSA/Washington for its information.

3 FAH-1 H-5123.5 Duration of Post Policies and Procedures

(TL:POH-27; 10-16-1996)
(State Only)
(Applies to Foreign Service Personnel Only)

New or revised local policies or procedures reached under these guidelines concerning implementation of appropriate Department regulations or agreements reached between the Department and AFSA shall continue until changed by mutual agreement of the post's management officials and the local certified AFSA representative.

3 FAH-1 H-5123.6 Failure to Hold Discussions or Reach Agreement

(CT:POH-144; 09-17-2010)
(State Only)
(Applies to Foreign Service Personnel Only)

If post management officials refuse to meet with the post AFSA representative, or if the parties cannot reach agreement regarding a new or revised policy or procedure after meeting, post management and the AFSA representatives should submit the issue to the Department (M/DGHR/PC/LM) and AFSA in Washington for resolution.

3 FAH-1 H-5123.7 Changes Required by New Department Policy or Regulation

(TL:POH-27; 10-16-1996)
(State Only)
(Applies to Foreign Service Personnel Only)

If a Department regulation or Department/AFSA agreement is revised or revoked by higher authority in Washington, the parties at post will be required to change or revoke derivative post policy or procedure.

3 FAH-1 H-5124 DISCRETIONARY DISCUSSIONS

(TL:POH-27; 10-16-1996)
(State Only)
(Applies to Foreign Service Personnel Only)

While post management is required upon request to meet with AFSA post representatives to discuss Department regulations and agency-wide labor management agreements reached by the Department and AFSA in Washington, post management has the discretion to meet or refuse to meet with post representatives to discuss all other post-related subject matters. Areas in which post management has discretion to meet with AFSA include matters on which the regulations are silent and matters that are specifically left to the discretion of the chief of mission or principal officer. While meetings regarding such issues are at post management's option, such requests should normally be granted because the Department and AFSA believe that such communications are useful even if agreement is not reached.

3 FAH-1 H-5124.1 Issues Which May Be Raised

(CT:POH-144; 09-17-2010)
(State Only)

(Applies to Foreign Service Personnel Only)

a. The range of subjects which the local AFSA representatives and the post's management officials may discuss appropriately under this section will vary in accordance with the size, location, and other circumstances of the post and cannot be enumerated in advance.

b. The following local policy issues exemplify the type of issues upon which requests for discussion should normally be granted:

(1) Local post-funded training;

(2) Permissible employee activities;

(3) Post parking regulations;

(4) Duty rosters and work schedules;

(5) Housing and furnishings, including temporary housing;

(6) Local handling, and procedures for local clearance, of household effects;

(7) Procedures for obtaining local medical care;

(8) Health unit operations;

(9) Housing board membership; and

(10) Use of post facilities.

3 FAH-1 H-5124.2 Issues Which May Not be Raised

(CT:POH-144; 09-17-2010)
(State Only)
(Applies to Foreign Service Personnel Only)

The following issues exemplify the type of issues that are not appropriate for discussion by AFSA post representatives:

(1) Post security policies;

(2) Policies confined to management officials and confidential employees;

(3) Municipal, State, or national laws;

(4) Post budget; and

(5) Matters under negotiation between the Department and AFSA in Washington.

3 FAH-1 H-5124.3 Initiating Discussions

(TL:POH-27; 10-16-1996)
(State Only)
(Applies to Foreign Service Personnel Only)

Discussions concerning discretionary matters may be requested by the certified AFSA representative at any time. Although post management is not obligated to meet to discuss discretionary matters, such request should normally be granted and such meetings should take place as soon as practicable.

3 FAH-1 H-5124.4 Participants

(TL:POH-27; 10-16-1996)
(State Only)
(Applies to Foreign Service Personnel Only)

Section 3 FAH-1 H-5123.2 applies to discretionary discussions.

3 FAH-1 H-5124.5 Official Time

(TL:POH-27; 10-16-1996)
(State Only)
(Applies to Foreign Service Personnel Only)

Section 3 FAH-1 H-5123.3 applies to discretionary discussions.

3 FAH-1 H-5124.6 Notification of New or Revised Post Policy or Procedures

(TL:POH-27; 10-16-1996)
(State Only)
(Applies to Foreign Service Personnel Only)

Section 3 FAH-1 H-5123.4 applies to discretionary discussions.

3 FAH-1 H-5124.7 Duration of Post Policies or Procedures

(TL:POH-27; 10-16-1996)
(State Only)
(Applies to Foreign Service Personnel Only)

If post management agrees to discuss discretionary issues and agrees with the AFSA post representatives' suggested changes or revisions, the new or revised local policies or procedures are not permanent and may later be changed or revoked at any time by post management officials and their successors without the concurrence of the AFSA post representative. Post management, however, is

required to discuss further changes or revocation with post representatives prior to publishing the changes or revocation. Either party may request review at anytime of new or revised local policies or procedures reached under this section. Arriving principal officers or acting principal officers shall review local policies or procedures reached under this section at their convenience.

3 FAH-1 H-5125 FAILURE TO HOLD DISCUSSIONS OR REACH AGREEMENT

(CT:POH-144; 09-17-2010)
(State Only)
(Applies to Foreign Service Personnel Only)

If post management officials refuse to meet with the post AFSA representatives, or if they cannot agree on the resolution of an issue after discussion, the matter should be submitted to the Department (M/DGHR/PC/LM) and AFSA in Washington for consideration.

3 FAH-1 H-5126 INDIVIDUAL RIGHTS

(TL:POH-27; 10-16-1996)
(State Only)
(Applies to Foreign Service Personnel Only)

These guidelines concern only dealings between management officials and the certified AFSA representative at Foreign Service posts. Nothing in these guidelines shall preclude an individual employee, regardless of whether he or she is a member of an organization, from bringing matters of a personal concern to the attention of appropriate officials under applicable law, rule, or regulation or from choosing his or her own representative in a grievance proceeding.

3 FAH-1 H-5127 FOREIGN SERVICE GRIEVANCE SYSTEM

(TL:POH-27; 10-16-1996)
(State Only)
(Applies to Foreign Service Personnel Only)

These guidelines do not affect the procedures of the Foreign Service Grievance System (3 FAM 4400).

3 FAH-1 H-5128 INTERPRETATION OF GUIDELINES

(CT:POH-144; 09-17-2010)
(State Only)
(Applies to Foreign Service Personnel Only)

Questions concerning the interpretation or application of these guidelines should be referred by post management to M/DGHR/PC/LM and by local AFSA representatives to AFSA/Washington.

3 FAH-1 H-5129 UNASSIGNED